UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,487	09/30/2003	Barnaby L. Court	RSW920030122US1 (110)	6010

46320 7590 02/01/2008

CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
STEVEN M. GREENBERG
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON, FL 33487

EXAMINER	
KE, PENG	

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
02/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/675,487
Filing Date: September 30, 2003
Appellant(s): COURT ET AL.

Barnaby Court, et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/02/07 appealing from the Office action mailed 02/07/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,072,984	Polonsky	7-2006
6,857,102	Bickmore	2-2005

6,675,351 Leduc 1-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Regarding independent claim 1, Polonsky discloses (FIGS. 1-4 of Polonsky) a complex table rendering (i.e. "rendering includes visual representations of the markup elements" col. 11 lines 39-43 of Polonsky) and navigation system (i.e. "rendering of retrieved information as well as navigational capability" col. 10 lines 26-28 of Polonsky) comprising: a complex (defined in col. 26 lines 31-33 of Polonsky) table processor (i.e. "extract content from the table into a linear form so that it is presentable on the device" col. 21 lines 46-60 of Polonsky) coupled to an application server (i.e. "majority of the processing information on the server side and ... visible information to the client browser" col. 23 lines 63-65, see also col. 4 line 47 of Polonsky) and programmed to reduce a complex table (i.e. "extract content from the table into a linear form sothat it is presentable on the device" col. 21 lines 46-60, col. 26 lines 31-33 of Polonsky) into said row range views (i.e. "various numbers of ... rows" col. 19 lines 10-14 of Polonsky), said row views (i.e. "rows will become children of the parent nodes" col. 21 lines 63-67 of Polonsky) and said record views (i.e. "extracts the data row by row" col. 22 lines 56-57 of Polonsky), and, a controller (i.e. "event translator" col. 6 line 11 of Polonsky) configured to map selected events and triggers originating within said views to others of said views (i.e. "identifies each node in the document using a unique value" col. 10 lines 3-4 of Polonsky), and to map additional selected events and triggers originating within said views to said complex table (i.e. "client browser events sends events and receives responses to and from the server browser" col. 10 lines 16-19 of Polonsky). Polonsky does not teach presentation or selection of row or row range views, an

association or linking between row views and row range views, or between record views and row views.

Bickmore teaches the presentation (i.e. col. 8 line 66-co1.9 line 3 of Bickmore : " The Table transform recognizes when a table, i.e., the presentation of information arranged in a rectangular grid, on a page cannot be directly sent to the client. In these cases, the Table transform generates one sub-page per table cell, using a top-down, left-to-right order") and selection (i.e. col. 10 lines 39-42 of Bickmore : "the state with the smallest current display area requirements, is selected and a transformation is applied to transform the document from its current state to a more promising state of the document, if possible"; col. 14 lines 54-56 of Bickmore : "As the user reviews thedelivered page, the user may determine that viewing additional information removed from the re-authored page is required") of row (i.e. col. 20 lines 33-16 of Bickmore : "two intermediate nodes, "Row 1" and "Row 2", corresponding to each of the two rows, respectivley, extend from the intermediate "table" node"; col. 25 lines 40-43 of Bickmore : "executing the command "GO ROW 2" results in the current context being moved to the second table row object within the current context, as shown") views (i.e. col. 2 lines 22-24 of Bickmore : " Upon receiving the document, users can specify the level of abstraction they wish to view and are presented with the corresponding detail or lack of detail"), an association (i.e. col. 3 lines 16-20 of Bickmore : "a commercial product that performs automatic re-authoring of HTML documents, using fixed transformations associated with page tags or embedded object types") or linking (i.e. col. 22 lines 43-46 of Bickmore : "Then, in step $450, the selected portion is removed from the current page or sub-page and the identifier and the link are added to

the current page") between row views and record views (i.e. col. 24 lines 8-9 of Bickmore : "Several commercial products also provide similar functionality for other applications, such as, for example ... database population"). It would have been obvious to an artisan at the time of the invention to combine the row views of Bickmore with the complex table display of Polonsky to provide "formatting information that defines the layout of the text strings, images, tables and links within the web page" (col. 6 lines 27-29 of Bickmore). Bickmore does not teach range row views associated with or linked to record and row views.

Leduc teaches range row views (i.e. col. 7 lines 14-19 of Leduc : "the row index 10op control variable is tested to make it is within range ... If the index is out of range ... row index is obtained"). It would have been obvious to an artisan at the time of the invention to combine the row range views of Leduc with the row views of Bickmore and complex table display of Polonsky so that "if the table has been parsed into a list or tree of objects, according to the Document Object Model, then the method may traverse the list or tree to count the number of rows and columns in the table." (col. 4 lines 34-37 of Leduc).

Regarding dependent claim 2, see the analysis of claim 1 above. Leduc in combination with Bickmore and Polonsky teaches the system of claim 1, further comprising a filter management view (i.e. "customization of original information content if a modified outcome is desired at the electronic device" col. 3 lines 9-11 of Polonsky).

Regarding independent claim 3, Polonsky teaches (FIGS. 10-11 of Polonsky) a method of enabling complex table navigation (i.e. "extract content from the table into a linear form so that it is presentable on the device" col. 21 lines 46-60, "navigational capability" col. 10 line 28 of Polonsky) in a highly constrained device (i.e. "electronic devices with limited hardware ... capability" col. 2 line 26 of Polonsky), the method comprising the steps of: reducing a complex table defined in markup (i.e. "extract content from the table into a linear form so that it is presentable on the device" col. 21 lines 46-60 of Polonsky) and, presenting the table responsive to a request to render said complex table in the highly constrained device (i.e. "the output ... is a hierachical content tree" col. 17 lines 30-31 of Polonsky). Polonsky does not teach presentation of row or row range views, an association or linking between row views and row range views, or between record views and row views. However, Bickmore teaches presentation of row or row range views, an association or linking between row views and row range views, or between record views and row views. (i.e. col. 22 lines 43-46 of Bickmore : "Then, in step $450, the selected portion is removed from the current page or sub-page and the identifier and the link are added to the current page")). It would have been obvious to an artisan at the time of the invention to combine the row views of Bickmore with the complex table display of Polonsky to provide "formatting information that defines the layout of the text strings, images, tables and links within the web page" (col. 6 lines 27-29 of Bickmore). Leduc teaches range row views (i.e. col. 7 lines 14-19 of Leduc : "the row index 10op control variable is tested to make it is within range ... If the index is out of range ... row index is obtained"). It would have been obvious to an artisan at the time of the invention to combine the row range views of Leduc with the row views of Bickmore and complex table display of Polonsky so that "if the table has been parsed into a

list or tree of objects, according to the Document Object Model, then the method may traverse the list or tree to count the number of rows and columns in the table." (col. 4 lines 34-37 of Leduc).

Regarding dependent claim 4, see the analysis of claim 3 above. Leduc in combination with Bickmore and Polonsky teaches the method of claim 3, further comprising the step of selecting and deselecting individual records in said record Views (i.e. "selectable input elements" col. 17 line 38 of Polonsky).

Regarding dependent claim 5, see the analysis of claim 3 above. Leduc in combination with Bickmore and Polonsky teachesthe method of claim 3, further comprising the steps of: establishing a set of filter criteria (i.e. "filtering information content" col. 3 lines 15-16 of Polonsky) for selecting individual records linked to said row views (i.e. "promotion of content into and out of folders" col. 3 lines 14-15 of Polonsky), filtering a display of said row views based upon said filter criteria (i.e. "dropping or filtering information content" col. 3 lines 15-16 of Polonsky), and, rendering said filtered display in the highly constrained device (i.e. "content from the serialized output to an electronic device" col. 3 line 16 of Polonsky).

Regarding dependent claim 6, see the analysis of claim 3 above. Leduc in combination with Bickmore and Polonsky teaches the method of claim 3, further comprising the steps of: receiving a plurality of events generated in said views (i.e. "event translator" col. 3 line 51 of Polonsky), and, handling selected ones of said events (i.e. "scrolling, clicking") without

knowledge of an application producing said complex table where said selected ones of said events map to said views and not to said complex table (i.e. "convert user events within one markup domain ... while staying in the transaction" col. 3 lines 52-54 of Polonsky).

Regarding independent claim 7, Polonsky teaches a method of enabling complex table navigation (i.e. "extract content from the table into a linear form so that it is presentable on the device" col. 21 lines 46-60, "navigational capability" col. 10 line 28 of Polonsky) in a highly constrained device (i.e. "electronic devices with limited hardware ... capability" col. 2 line 26 of Polonsky), the method comprising the steps of: parsing a complex table defined by intent based markup (i.e. "extract content from the table" col. 21 lines 46-60 of Polonsky), producing a reduced view of said complex table (i.e. "into a linear form so that it is presentable on the device" col. 21 lines 46-60, "navigational capability" col. 10 line 28 of Polonsky), and rendering said further reduced view in the highly constrained device in lieu of said reduced view (i.e. "child nodes" col. 16 line 64 - col. 17 line 9 of Polonsky), and, yet further producing a yet further reduced view of said complex table (i.e. "child nodes" col. 16 line 64 - col. 17 line 9 of Polonsky), said yet further reduced view comprising a record (i.e. "folder contents" col. 16 line 64 - col. 17 line 9 of Polonsky) and rendering said yet further reduced view (i.e. "rendering includes visual representations of the markup elements" col. 11 lines 39-43 of Polonsky) in the highly constrained device (i.e. "electronic devices with limited hardware ... capability" col. 2 line 26 of Polonsky) in lieu of said further reduced view (i.e. "child nodes become the folder contents" col. 16 line 64 - col. 17 line 9 of Polonsky). Polonsky does not teach presentation or selection of row or row range views, an association or linking between row views and row range

views, or between record views and row views.

Bickmore teaches the presentation (i.e. col. 8 line 66-co1.9 line 3 of Bickmore : " The Table transform recognizes when a table, i.e., the presentation of information arranged in a rectangular grid, on a page cannot be directly sent to the client. In these cases, the Table transform generates one sub-page per table cell, using a top-down, left-to-right order") and selection (i.e. col. 10 lines 39-42 of Bickmore : "the state with the smallest current display area requirements, is selected and a transformation is applied to transform the document from its current state to a more promising state of the document, if possible"; col. 14 lines 54-56 of Bickmore : "As the user reviews the delivered page, the user may determine that viewing additional information removed from the re-authored page is required") of row (i.e. col. 20 lines 33-16 of Bickmore : "two intermediate nodes, "Row 1" and "Row 2", corresponding to each of the two rows, respectivley, extend from the intermediate "table" node"; col. 25 lines 40-43 of Bickmore : "executing the command "GO ROW 2" results in the current context being moved to the second table row object within the current context, as shown") views (i.e. col. 2 lines 22-24 of Bickmore : " Upon receiving the document, users can specify the level of abstraction they wish to view and are presented with the corresponding detail or lack of detail"), an association (i.e. col. 3 lines 16-20 of Bickmore • "a c6mmercial product that performs automatic re-authoring of HTML documents using fixed transformations associated with page tags or embedded object types") or linking (i.e. col. 22 lines 43-46 of Bickmore : "Then, in step $450, the selected portion is removed from the current page or sub-page and the identifier and the link are added to

the current page") between row views and record views (i.e. col. 24 lines 8-9 of Bickmore : "Several commercial products also provide similar functionality for other applications, such as, for example ... database population").

It would have been obvious to an artisan at the time of the invention to combine the row views of Bickmore with the complex table display of Polonsky to provide "formatting information that defines the layout of the text strings, images, tables and links within the web page" (col. 6 lines 27-29 of Bickmore). Bickmore does not teach range row views associated with or linked to record and row views.

Leduc teaches range row views (i.e. col. 7 lines 14-19 of Leduc : "the row index loop control variable is tested to make it is within range ... If the index is out of range ... row index is obtained"). It would have been obvious to an artisan at the time of the invention to combine the row range views of Leduc with the row views of Bickmore and complex table display of Polonsky so that "if the table has been parsed into a list or tree of objects, according to the Document Object Model, then the method may traverse the list or tree to count the number of rows and columns in the table." (col. 4 lines 34-37 of Leduc).

Regarding independent claim 8, Polonsky teaches a machine readable storage (i.e. "readable memory device" col. 28 line 54 of Polonsky) having stored thereon a computer program (i.e. "computer program product" col. 28 line 52 of Polonsky) for enabling complex table navigation (i.e. "extract content from the table into a linear form so that it is presentable on the device" col. 21 lines 46-60, "navigational capability" col. 10 line 28 of Polonsky) in a highly

constrained device (i.e. "electronic devices with limited hardware ... capability" col. 2 line 26 of Polonsky), the computer program comprising a routine set of instructions (i.e. "computer readable program code" col. 28 line 56 of Polonsky) for causing the machine to perform the steps of: reducing a complex table defined in markup (i.e. "extract content from the table" col. 21 lines 46-60 of Polonsky) and, presenting the table responsive to a request to render said complex table in the highly constrained device (i.e. "the output ... is a hierachical content tree" col. 17 lines 30-31 of Polonsky). Polonsky does not teach presentation or selection of row or row range views, an association or linking between row views and row range views, or between record views and row views.

Bickmore teaches the presentation (i.e. col. 8 line 66-co1.9 line 3 of Bickmore : " The Table transform recognizes when a table, i.e., the presentation of information arranged in a rectangular grid, on a page cannot be directly sent to the client. In these cases, the Table transform generates one sub-page per table cell, using a top-down, left-to-right order") and selection (i.e. col. 10 lines 39-42 of Bickmore : "the state with the smallest current display area requirements, is selected and a transformation is applied to transform the document from its current state to a more promising state of the document, if possible";, col. 14 lines 54-56 of Bickmore : "As the user reviews the delivered page, the user may determine that viewing additional information removed from the re-authored page is required") of row (i.e. col. 20 lines 33-16 of Bickmore : "two intermediate nodes, "Row 1" and "Row 2", corresponding to each of the two rows, respectivley, extend from the intermediate "table" node"; col. 25 lines 40-43 of Bickmore : "executing the command "GO ROW 2" results in the current context being moved to the second table row object within the current context, as shown") views (i.e. col. 2 lines 22-24 of

Bickmore :" Upon receiving the document, users can specify the level of abstraction they wish to view and are presented with the corresponding detail or lack of detail"), an association (i.e. col. 3 lines 16-20 of Bickmore : "a commercial product that performs automatic re-authoring of HTML documents using fixed transformations associated with page tags or embedded object types") or linking (i.e. col. 22 lines 43-46 of Bickmore :" Then, in step $450, the selected portion is removed from the current page or sub-page and the identifier and the link are added to the current page") between row views and record views (i.e. col. 24 lines 8-9 of Bickmore : "Several commercial products also provide similar functionality for other applications, such as, for example ... database population"). It would have been obvious to an artisan at the time of the invention to combine the row views of Bickmore with the complex table display of Polonsky to provide "formatting information that defines the layout of the text strings, images, tables and links within the web page" (col. 6 lines 2.7-29 of Bickmore). Bickmore does not teach range row views associated with or linked to record and row range views.

Leduc teaches range row views (i.e. col. 7 lines 14-19 of Leduc : "the row index loop control variable is tested to make it is within range ... If the index is out of range ... row index is obtained"). It would have been obvious to an artisan at the time of the invention to combine the row range views of Leduc with the row views of Bickmore and complex table display of Polonsky so that "if the table has been parsed into a list or tree of objects, according to the Document Object Model, then the method may traverse the list or tree to count the number of rows and columns in the table." (col. 4 lines 34-37 of Leduc).

Regarding dependent claim 9, see the analysis of claim 8 above. Leduc in combination with Bickmore and Polonsky teaches the machine readable storage of claim 8, further comprising the step of selecting and deselecting individual records in said record views (i.e. "selectable input elements" col. 17 line 38 of Polonsky).

Regarding dependent claim 10, see the analysis of claim 8 above. Leduc in combination with Bickmore and Polonsky teaches the machine readable storage of claim 8, further comprising the steps of: establishing a set of filter criteria (i.e. "filtering information Content" col. 3 lines 15-16 of Polonsky) for selecting individual records linked to said row views (i.e. "promotion of content into and out of folders" col. 3 lines 14-15 of Polonsky), filtering a display of said row views based upon said filter criteria (i.e. "dropping or filtering information content" col. 3 lines 15-16 of Polonsky), and, rendering said filtered display in the highly constrained device (i.e. "content from the serialized output to an electronic device" col. 3 line 16 of Polonsky).

Regarding dependent claim 11, see the analysis of claim 8 above. Leduc in combination with Bickmore and Polonsky teaches the machine readable storage of claim 8, further comprising the steps of: receiving a plurality of events generated in said views (i.e. "event translator" col. 3 line 51 of Polonsky), and, handling selected ones of said events (i.e. "scrolling, clicking") without knowledge of an application producing said complex table where said selected ones of said events map to said views and not to said complex table (i.e. "convert user events within one markup domain ... while staying in the transaction" col. 3 lines 52-54 of Polonsky).

As to claim 12, Polonsky teaches a machine readable storage (i.e. "readable memory device" col. 28 line 54 of Polonsky) having stored thereon a computer program (i.e. "computer program product" col. 28 line 52 of Polonsky) for enabling complex table navigation (i.e. "extract content from the table into a linear form so that it is presentable on the device" col. 21 lines 46-60, "navigational capability" col. 10 line 28 of Polonsky) in a highly constrained device (i.e. "electronic devices with limited hardware ... capability" col. 2 line 26 of Polonsky), the computer program comprising a routine set of instructions (i.e. "computer readable program code" col. 28 line 56 of Polonsky) for causing the machine to perform the steps of: parsing a complex table defined by intent based markup (i.e. "extract content from the table" col. 21 lines 46-60 of Polonsky), producing a reduced view of said complex table (i.e. "into a linear form so that it is presentable on the device" col. 21 lines 46-60, "navigational capability" col. 10 line 28 of Polonsky), and rendering said reduced view (i.e. "rendering includes visual representations of the markup elements" col. 11 lines 39-43 of Polonsky) in the highly constrained device (i.e. "electronic devices with limited hardware ... capability" col. 2 line 26 of Polonsky), further producing a further reduced view of said complex table (i.e. "walk down the branch" col. 17 lines 8-9 of Polonsky), and rendering said further reduced view in the highly constrained device in lieu of said reduced view (i.e. "child nodes" col. 16 line 64 - col. 17 line 9 of Polonsky), and, yet further producing a yet further reduced view of said complex table (i.e. "child nodes" col, 16 line 64 - col. 17 line 9 of Polonsky), and rendering said yet further reduced view (i.e. "rendering includes visual representations of the markup elements" col. 11 lines 39-43 of Polonsky) in the highly constrained device (i.e. "electronic devices with limited hardware ... capability" col. 2 line

26 of Polonsky) in lieu of said further reduced view (i.e. "child nodes become the folder contents" col. 16 line 64 - col. 17 line 9 of Polonsky). Polonsky does not teach presentation or selection of row or row range views, an association or linking between row views and row range views, or between record views and row views.

Bickmore teaches the presentation (i.e. col. 8 line 66-col. 9 line 3 of Bickmore : " The Table transform recognizes when a table, i.e., the presentation of information arranged in a rectangular grid, on a page cannot be directly sent to the client. In these cases, the Table transform generates one sub-page per table cell, using a top-down, left-to-right order") and selection (i.e. col. 10 lines 39-42 of Bickmore : "the state with the smallest current display area requirements, is selected and a transformation is applied to transform the document from its current state to a more promising state of the document, if possible"; col. 14 lines 54-56 of Bickmore : "As the user reviews the delivered page, the user may determine that viewing additional information removed from the re-authored page is required") of row (i.e. col. 20 lines 33-16 of Bickmore : "two intermediate nodes, "Row 1" and "Row 2", co'rresponding to each of the two rows, respectivley, extend from the intermediate "table" node"; col. 25 lines 40-43 of Bickmore : "executing the command "GO ROW 2" results in the current context being moved to the second table row object within the current context, as shown") views (i.e. col. 2 lines 22-24 of Bickmore : "Upon receiving the document, users can specify the level of abstraction they wish to view and are presented with the corresponding detail or lack of detail"), an association (i.e. col. 3 lines 16-20 of Bickmore :" a commercial product that performs automatic re-authoring of HTML documents using fixed transformations associated with page tags or embedded object

types") or linking (i.e. col. 22 lines 43-46 of Bickmore : "Then, in step $450, the selected portion is removed from the current page or sub-page and the identifier and the link are added to the current page") between row views and record views (i.e. col. 24 lines 8-9 of Bickmore : "Several commercial products also provide similar functionality for other applications, such as, for example ... database population").

It would have been obvious to an artisan at the time of the invention to combine the row views of Bickmore with the complex table display of Polonsky to provide "formatting information that defines the layout of the text strings, images, tables and links within the web page" (col. 6 lines 27-29 of Bickmore). Bickmore does not teach range row views associated with or linked to record and row range views.

Leduc teaches range row views (i.e. col. 7 lines 14-19 of Leduc • "the row index loop control variable is tested to make it is within range ... If the index is out of range ... row index is obtained").

It would have been obvious to an artisan at the time of the invention to combine the row range views of Leduc with the row views of Bickmore and complex table display of Polonsky so that "if the table has been parsed into a list or tree of objects, according to the Document Object Model, then the method may traverse the list or tree to count the number of rows and columns in the table." (col. 4 lines 34-37 of Leduc).

(10) Response to Argument

A) Bickmore fails to teach "a plurality of row range views, a plurality of row views, each of said row views having an association with one of said row range views?"

A) The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Bickmore teaches a plurality of row range views, a plurality of row views, each of said row views having an association with one of said row range view because Bickmore allows a table to be displayed in a top-down view or left-to-right order. (see Bickmore col. 8 line 66-col. 9 line)

B) There is no motivation to combine Polonsky and Bickmore?

B) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071,

5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Bickmore provided a motivation to combine Polonsky and Bickmore and that is to provide user with "formatting information that defines the layout of the text strings, images, tables and links within the web page." (see Bickmore; col. 6, lines 27-29)

The Supreme Court Stated that the Federal Circuit had erred when it applied the well-known teaching-suggestion-motivation (TSM) test in an overly rigid and formalistic way. Specifically, as the Supreme Court pointed out, the Federal Circuit had erred in four ways:

(1) "by holding that courts and Patent examiners should look only to the problem the patentee was trying to solve;"

(2) by assuming "that a person of ordinary skill attempting to solve a problem will be led only to those elements of prior art designed to solve the same problem;"

(3) by concluding "that a patent claim cannot be proved obvious merely by showing that the combination of elements was 'obvious to try;'" and

(4) by overemphasizing "the risk of court and patent examiners falling prey to hindsight bias" and as a result applying "rigid preventative rules that deny fact finders recourse to common sense." KSR, 82 USPQ2d at 1397.

In the present case, the combination of Polonsky and Bickmore is obvious to one of ordinary skilled in the art because it would provide user different format of display table information.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section **(9)** above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

Peng Ke

/S. K./

Examiner, Art Unit 2174

Conferees:

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174

/SY D. LUU/

Primary Examiner, Art Unit 2174